

WALDO COUNTY COMMISSIONERS COURT SESSION
MARCH 10, 2009

PRESENT: Commissioners Donald P. Berry, Sr. (Chairman), Amy R. Fowler and William D. Shorey. Also present was County Clerk Barbara L. Arseneau and EMA Director Dale Rowley.

TREASURER'S REPORT:

REVENUE:

D. Parkman stated that he didn't know if there was anything coming in for revenue or not. He explained that the Miscellaneous Revenue is so high because that is where the Corrections Reimbursement money was placed. There was brief discussion of manually calculating this to determine what the other actual revenue was.

The Communications Center is 39% expended in Part-time, which is no surprise, according to D. Parkman. Probate Court Appointments have "been well taken care of" and \$1,665.00 of Restitution revenue has been brought in by that department.

APPROPRIATIONS:

A. Fowler inquired about the Sheriff's Travel line. There was some discussion of time spent in Augusta and Maine Sheriff's Association meetings that the Sheriff attended, as well as some training that the Sheriff's staff needed to take, which would have attributed to this expenditure.

W. Shorey inquired about the State controlling the money for the Jail. He wondered about negotiations and D. Parkman explained that the State may control money, but it did not control the employees. K. Trussell explained that there was a specific Professional Services line item in the Jail budget for this purpose.

D. Parkman reported that \$100,000.00 has been taken out of the TAN to help take care of the Jail. He commented that this was very good for this time of year, for this county. 28% had been expended from the Jail budget in February, when it could have been 33%, which was also commendable.

D. Parkman reported that the Jail has \$50,853.00 remaining in the account. This Jail warrant will be \$33,035.34. The County General Fund has \$247,471.84 and the General Fund warrant totals \$17,491.04. D. Parkman explained that this is good because money is only being borrowed from March or April through September and then the towns start paying property taxes to the County. He explained that this was a vast improvement over the way borrowing used to be.

D. Parkman read expenditures from the Reserve Accounts. Included in this were expenditures for the Aborn Hill Tower Project.

K. Trussell inquired about who should be signing bills for the Aborn Hill Tower project. She explained that D. Rowley codes some bills and B. Arseneau codes some and wondered if the Commissioners wanted to see this handled any particular way. A. Fowler recommended sending out a survey to find out what the other counties were doing regarding the Corrections Reimbursement receipting process. She recommended calling Ralph Nichols personally, if need be. K. Trussell said that as of March of last year, there had already been \$650,000.00 borrowed from the Tax Anticipation

Note, so things were much better this year. W. Shorey asked how this improvement had been achieved and D. Parkman responded that it was a direct result of the overlay being increased. The County was staying under the L.D. #1 Cap and doing everything the Budget Committee was asking them to do.

****D. Berry moved, A. Fowler seconded authorizing payment of the February 27, 2009 Accounts Payable in the amount of \$103,157.88. Unanimous.**

****D. Berry moved, W. Shorey seconded authorizing payment of the February 18, 2009 Payroll in the amount of \$87,785.61. Unanimous.**

****D. Berry moved, A. Fowler seconded authorizing payment of the February 18, 2009 Jail Payroll in the amount of \$42,941.62. Unanimous.**

****D. Berry moved, W. Shorey seconded authorizing payment of the February 27, 2009 Active Restricted Reserves Accounts in the amount of \$9,020.63. Unanimous.**

****D. Berry moved, A. Fowler seconded authorizing payment of the February 27, 2009 Jail Accounts Payable warrant in the amount of \$40,421.92. Unanimous.**

****D. Berry moved, W. Shorey seconded authorizing payment of the March 10, 2009 Accounts Payable warrant in the amount of \$17,491.04. Unanimous.**

****D. Berry moved, A. Fowler seconded authorizing payment of the March 5, 2009 Payroll in the amount of \$89,891.87. Unanimous.**

****D. Berry moved, W. Shorey seconded authorizing payment of the March 10, 2009 Jail Accounts Payable warrant in the amount of \$33,035.34. Unanimous.**

****D. Berry moved, A. Fowler seconded authorizing payment of the March 5, 2009 Jail Payroll in the amount of \$45,317.80. Unanimous.**

****D. Berry moved, A. Fowler seconded authorizing payment of the March 10, 2009 Restricted Reserve warrant in the amount of \$8,354.06. Unanimous.**

****a. Fowler Moved, W. Shorey seconded accepting the Treasurer's Report as presented. Unanimous.**

D. Parkman stated that at the last Commissioners Court Session on March 3, 2009, the Commissioners had approved a study be done for a Jail mission change. He recommended that the County use the same firm who did a study "the first part of this century," since they had already been through the Jail and were very familiar with it. D. Berry explained that the RFP process did not allow for that, and this would have to go out for bid. A. Fowler confirmed this.

There was brief discussion of the stimulus package information recently released in which the County would be able to enjoy some funding opportunities.

(The Commissioners next hear two tax abatement appeal hearings: R. Hegstrom vs. Town of Brooks and P. Gray vs. Town of Troy, which are transcribed separately.)

EMA REPORT:

Present for this report was EMA Director Dale Rowley and O. Smith.

1. D. Rowley reminded the Commissioners that he had discussed some of this with them during the March 3, 2009 Commissioners Court Session. The Aborn Hill Tower Project bid proposals for designs were too high, so he spoke with the company who was rated the highest in technical design, with the approval of the Commissioners. Black Diamond has come back with a proposal of \$19,500.00. This will have to be approved by the Commissioners, and D. Rowley also requested a template of the contract for the next Commissioners Court, noting that then the County can go back out for bid. A base bid may also be drafted with a provision for options, if there was still funding for this.

O. Smith confirmed the decision to choose Black Diamond after the review process.

****A. Fowler moved, W. Shorey approved Black Design to perform the design services for the Aborn Hill Tower in the amount of \$19,500.00. Unanimous.**

SHERIFF'S REPORT:

1. Corrections Van Bids were received as follows:

- Quirk: Dodge Caravan SE (Seven passenger) 2009 for \$20,176.00.
- Darling: Dodge Caravan SE (Seven passenger) 2009 \$20,997.00. The warranty is \$1,575.00.

S. Story, when asked, stated that the bid specifications did not include a request for a warranty.

It was noted that the least expensive vehicle was proposed by Quirk. If the warranties were the same, they would be about \$821.00 less.

****A. Fowler moved, W. Shorey seconded accepting the bid from Quirk, as long as the warranty is similar to Darlings. Unanimous.**

2. Qualifications for specifications for the bids for a consultant for Jail Mission study were discussed briefly. S. Story noted that the County is specifically looking for someone in a very unique field, and this would include their hourly rate rather than a "huge contract." He commented that this will certainly be over the \$2,500.00 minimum for bid proposals. He requested that the County hire legal council to look at this. If council could review it this week, the advertisement could be run ten days. He requested that there be a second meeting in March to review this.

****A. Fowler moved, W. Shorey seconded hiring legal council to review the request for qualifications, as soon as possible. Unanimous.**

3. The Needs Committee will be reviewing the draft of a mission change for the Waldo County Correctional Center, and once it validates that draft, S. Story will bring it before the County Commissioners. There is a meeting tomorrow with the working group, to hopefully put a "blessing"

on the ongoing process. He has made it clear that “anytime someone is putting the breaks on or there is a bump in the road, he needs to be notified as soon as possible.”

D. Berry said that the Sheriff had sent out a document regarding the JAG Byrne Memorial Grant and remarked that he had asked if the “COP hire” grant could be used for the deputy recently hired and it does not appear that this is allowable. Regarding the JAG Byrne Memorial Grant, S. Story explained that it is a broad grant and could be used for a number of things, and hopefully, includes work to be done on the Jail; particularly during the mission change. He sent two requests to C. Coats asking her to follow up on some grant opportunities. Regarding the Byrne grant, he was in the process of looking into a pre-release and could use funds for a number of things relating to the transition, such as consultant work, furnishings, video arraignment equipment, etc. From the law enforcement standpoint, they have an endless list of equipment needs; however the most pressing right now would be for video cameras in cruisers. Presently they have the old VHS design, which are failing frequently and media is becoming difficult to find. He noted that they are in desperate need to upgrade to the new digital format. They currently have two units obtained through grant funds last year but could use ten more. He noted that, regarding the application for the Department of Justice, the “ball is in motion” and they won’t miss any deadlines. The application process has not begun, but registration was required and he has already done that. The bullet-proof vest grants should be coming out by the end of this month. S. Story explained that he said that he needs to have some assistance from C. Coats on these matters. A. Fowler instructed B. Arseneau to contact C. Coats this afternoon to be sure that she has received these messages.

The Commissioners briefly reviewed the Review Narrative provided by DRG Specialty Services related to the JAG Grant and approved its content.

S. Story said he would be back for the Jail Budget discussion later on the agenda.

FACILITIES MANAGEMENT REPORT:

Present with the Commissioners was Facilities Manager Keith Nealley, who reported the following:

1. Fuel Oil Bid Proposals: K. Nealley reported that none of the companies want to look eighteen months in advance to submit bid proposals. Even if they did, it would be strictly speculative. K. Nealley said he had spoken with both Thompson’s Oil and Consumers’ Fuel and they were not willing to commit to making a proposal before June or July. W. Shorey thought it may be likely that the next bid process would not occur until closer to the end of the new contract, anyway.

ETHAN ANDREWS – EXECUTIVE SESSIONS:

E. Andrews thanked the Commissioners for allowing him to meet for them. He asked if he could have copies of the statute the County uses when it takes votes for Executive Sessions. This was provided.

E. Andrews asked for clarification of Executive Sessions and an explanation of why the County seems to have a lot more than the City of Belfast, for example. A. Fowler explained that any time a person’s name is brought up, and especially with union negotiations, an executive session is necessary. She asked him where he had been when the Commissioners Court session did not include executive sessions, as “serious stuff went down and you weren’t here to report it.” E. Andrews noted that he has a number of other obligations and cannot always report on the Commissioners Court sessions.

D. Berry confirmed A. Fowler's statements. He read from the Ground Rules found in each of the union's negotiation binders that had been handled in the last year and one half. He assured E. Andrews that the Commissioners were not holding any executive sessions that were unnecessary. He further emphasized that if any discussion started that was not limited to that particular session, or not executive session material, the discussion stops until coming back into public session. A. Fowler explained that often that one or more of the Commissioners don't know what the executive session is prior to the Commissioners Court session, depending on the matter that must be discussed.

E. Andrews quoted part of the statute that indicated that the parties must be named beforehand. There was brief discussion about the "fine line" in terms of confidentiality, even with that statute. A. Fowler added that there is nothing "sneaky or underhanded" with these executive sessions. E. Andrews felt that it was the Commissioners responsibility to know well the statutes, the process and to be confident that they were following these correctly.

D. Berry commented that there was a recent bill in legislation regarding floor plans for a jail being released. An inmate had requested the jail floor plans in which he was being held. This impacted the "Right-to-Know" law and changed it to protect this.

W. Shorey informed E. Andrews that he could anticipate quite a few more executive sessions in the future, especially with ongoing union matters.

D. Berry asked if there were anymore questions. E. Andrews felt, that in subsection (D) the parties must be named, and he felt that this was very clear. There was brief discussion between D. Berry and E. Andrews about this matter and how it could impact unions and others if that party were named, and then someone went downtown and lied about what they thought occurred during this session, the problems that could ensue, including lawsuits, etc.

As to the question of why the City of Belfast did not have so many, D. Berry suggested that it might be because the County has new union contracts, whereas the City's contracts have been established for some time.

W. Shorey explained that the County Commissioners were willing to do whatever they could to work with the press.

****W. Shorey moved, A. Fowler seconded entering Executive Session for a Personnel Matter at 11:47 a.m. Unanimous.**

****A. Fowler moved, D. Berry seconded exiting Executive Session at 11:49 a.m. Unanimous.**

Because of confusion, A. Fowler moved to enter Executive session at 11:50 a.m. for a Personnel Matter related to the District Attorney's Office. W. Shorey seconded. Unanimous.

****A. Fowler moved, W. Shorey seconded exiting Executive Session at 12:18 p.m. Unanimous.**

****A. Fowler moved, W. Shorey seconded paying Deborah McAllian \$1,377.00 for 78.5 hours of overtime at \$17.74 per hour. Unanimous.**

CORRESPONDENCE

Reporting correspondence to the Commissioners was County Clerk Barbara L. Arseneau with Deputy County Clerk Veronica Stover taking minutes as follows:

1. Letters from the Commissioners have been sent to both Representative Piotti and Treasurer David Parkman thanking them for their efforts in resolving the matter of the District Court Lease.
2. The location of both the MCCA and Risk Pool meeting on March 11, 2009 will be at the Kennebec County Government Center on 125 State Street in Augusta.
3. Acting Director of the U.S. Census Bureau, Thomas L. Mesenbourg, has sent notice of requests for participation in the 2010 Census programs, while noting that this participation is strictly voluntary. B. Arseneau informed the Commissioners that the County had participated during the 2000 Census and would keep the Commissioners posted as to any requests that might involve a lot of time before she committed to them.
4. Kennebec County Administrator Robert Devlin has submitted a request for nominations on the Corrections Working Group, as there is an opening for a County Commissioner on this committee. None of the Waldo County Commissioners were interested in serving at this time.
5. Facilities Manager Keith Nealley submitted a request that he be allowed to carry over 10.5 hours of unused 2008 vacation leave and that Facilities Technician Gary Daigle be allowed to carry over 26.5 hours of unused 2008 vacation leave until June 1, 2009.
****A. Fowler moved, W. Shorey seconded to allow carry over of unused 2008 vacation for both Keith Nealley and Gary Daigle as requested. Unanimous.**
6. Communications Director Owen Smith sent a memo informing the County Commissioners that Part-time Dispatcher Donna Runnels has not completed the probationary period and will no longer be working at the Communications Center.
****D. Berry moved, A. Fowler seconded accepting employment termination for Part-time Dispatcher Donna Runnels. Unanimous.**
7. The Commissioners noted pay step increases for the following employees:
 - Corporal Michael Dudley of the Waldo County Correctional Center received a five-year pay step increase from \$15.77 to \$16.35 per hour, effective March 8, 2009.
 - Corporal Christopher Loureiro will receive a sixteen-year pay step increase from \$17.16 to \$17.42 per hour, effective March 20, 2009.

APPROVAL OF MINUTES:

****W. Shorey moved, D. Berry seconded approving the minutes from the County Commissioners January 13, 2009 Court Session. Unanimous.**

****D. Berry moved, A. Fowler seconded approving minutes from the County Commissioners March 3, 2009 Court session with the following amendment on page 5: **A. Fowler amended the motion to include the stipulation that the County Planning account "MAY BE" (striking the words "would be") reimbursed from the Corrections Reimbursement account. Unanimous.**

MISCELLANEOUS COMMISSIONERS BUSINESS

1. Commissioner Berry met and discussed with both the D.A.'s Office and Deeds Office for the temporary transfer of one Deeds Clerk to the District Attorney's Office to assist them with their workload, since the Deeds workload is slower right now. All the paperwork, etc. will not change. The hours will be the same as the Deeds Office and she will still report to the Register of Deeds."

****A. Fowler moved, W. Shorey seconded to authorize the temporary transfer of Deeds Clerk Amy Keller to the District Attorney's Office, maintaining the same pay and the same hours.**

Discussion: D. Berry felt that this would greatly assist the D.A.'s Office with their workload. D. Berry said if she needs her computer, it should go with her. She might be able to assist in other ways than answering the phone, as well. **Unanimous.**

2. **JURY DUTY SELECTIONS:** Register of Deeds Deloris Page, one of the game wardens and another elected-type of person have been selected for jury duty.

3. **COST SAVINGS DISCUSSION:** Present for this discussion was Deputy Treasurer Karen Trussell. W. Shorey stated that in funding the Jail and the mechanism for funding it, there are no guarantees. He had noticed in the detailed Jail Budget that there were several lines with "zeros." He spoke with the Treasurer's Office, the H.R./Payroll Director and the Facilities Manager and felt that the portion of their work that is directly related to work at the Jail should be charged off to that Jail budget and the County should be reimbursed, weekly, or monthly, etc. for this work. (The Commissioners took a brief break to wait for the Sheriff for this discussion.) Once the Sheriff and Jail Administrator Jason Trundy arrived, W. Shorey explained that he felt that, in view of the additional work to the Treasurer's Office and because the H.R./Payroll Director and the Facilities Department also do work for the Jail, the time and money spent by these departments should be reimbursed to the County. He felt unsure that the State would allow the County to keep any money saved through the new Jail mission, and wanted to make sure that an accurate accounting of time being spend on Jail matters related to these departments was being done. He wanted it on record that these were charges being assumed by the County.

S. Story said he thought he understood what W. Shorey was saying and noted that this matter was addressed when the cap was established. It was his understanding that the positions of Deputy Treasurer, H.R., Facilities and the Clerk "would not be disappearing if the Jail were shut down." S. Story said he thought that when the cap was set, those positions were not allowed and included by the State. K. Trussell stated that she had checked and they are now back in that budget. S. Story asked if she had spoken with Scott Ferguson at the State level and she replied that she had not, as yet. S. Story stated that he understood what W. Shorey was trying to accomplish, but felt that he was not the one who could make those changes. W. Shorey felt that those lines in the budget should not be at zeros, but should show a true reflection of what work is being done for the Jail. S. Story reminded all that this money in the cap was coming from the County, not the State. He illustrated that if, for example, the Deputy Treasurer's salary and benefits were shared half in the Jail budget, this would be part of the cap. W. Shorey explained that he understood the cap was \$2.8 million dollars. If the Jail mission changed, the cost of running this would be reduced.

A. Fowler confirmed that the cap had been set at \$2.8 million, regardless of any savings incurred. W. Shorey stated that he did not want to have the work being done by the Treasurer's, Facilities and H.R.

offices for free to the State of Maine. S. Story said this would still require a cap change. Even if the mission change cost \$2 million dollars, he understood W. Shorey was saying that the State would now be receiving less money from the County. If the mission change was changing the rules of the cap, the cap would have to be changed.

J. Trundy used the example of paying the Deputy Treasurer for half salary and benefits. J. Trundy thought that there was no mechanism for money from the BOC to be reimbursed back to the County. S. Story said that this was what the cap was for. He felt that the only way this could be adjusted and compensated for was to re-open the cap. A. Fowler felt there was no way that the State would reduce that cap.

W. Shorey asked where the savings resulting in the Jail Mission would go. S. Story responded that they would go back into the entire system.

S. Story said he did not disagree with the Commissioners' viewpoint on this, but felt it would require an act of legislation to change the current wording of the L.D. related to the Jail Consolidation. K. Trussell said that she was not sure what other counties included in their cap. J. Trundy thought that if no other county had plugged numbers into those lines, then the only way would be to handle it in legislature. S. Story explained that there, literally, was a dollar amount assigned to Waldo's Cap in the legislation.

J. Trundy illustrated that the hours from the Commissioners and Treasurer's Office increasing the cap and wondered if it would simply be a shuffling of the funds. S. Story felt that it would lower the County's obligation from the other side. He explained that where it changes is when there is a change in mission and there is a balance. He felt that this truly would require a legislative change.

W. Shorey asked if S. Story had drafted a budget for the mission change. S. Story said he had drafted one, but it was missing the component of the cost of one of the outside agencies that assists the County in rehabilitation of inmates at this point. S. Story thought that the argument was how the percentage of time would be figured for the Treasurer, Facilities, etc. The Facilities figures would be "a moving target," whereas the Treasurer's work would be fairly consistent and easier to calculate. S. Story thought the County would have to reach out to a legislator to change the cap. He emphasized that there was not a lot of "fat" in that budget. Any additional costs would need to be imported, rather than shifting what is already in the budget. If the cap were increased, the County's tax obligation for operations would increase. For example, if the Deputy Treasurer was laid off, half of that salary would be in the cap. The County would save money on the County side, but would still be obligated to pay it in the Jail part of the budget. "The County owns \$2.8 million dollars of tax obligation to pay for the jail," he stated. He noted that because of the nature of the facility, it is inefficient due to linear construction. With a mission change, the efficiency would greatly increase. The saving would go back to the State and Commissioner Shorey's argument was that the cost of the work being done by the Treasurer's, H.R. and Facilities Offices should be recovered by the County, but since they are not already in the cap, he did not see how that could be done. S. Story said he wished there was an easy fix. He recommend talking with Kennebec County Administrator Robert Devlin, who was involved on the County-end from the beginning, and eventually, to speak with a legislator.

W. Shorey complimented S. Story for his explanation of the situation. S. Story added that he “didn’t have a dog in this hunt,” and that this was not a piece that he had a lot of input in. He was more on the policy side than the accounting side of it.

****W. Shorey moved, A. Fowler seconded entering Executive Session at 1:16 p.m. for a legal/personnel matter according to Title 1 405, section (D). Unanimous.**

****A. Fowler moved, W. Shorey seconded exiting Executive Session at 1:31 p.m. Unanimous.**
There was no action taken by the Commissioners.

4. WALDO COUNTY PRESS RELEASE DISCUSSION: The Commissioners briefly discussed the idea of sending out their own press releases after each Commissioners Court Session so that the public would be kept informed of important decision or actions during these court sessions.

NEXT COURT SESSION:

The next Commissioners Court Session will be held March 31, 2009, and will include further discussion of the proposed Jail Mission Change.

A. Fowler moved, D. Berry seconded adjourning the meeting at 1:42 a.m. Unanimous.

Respectfully submitted by *Barbara L. Arseneau*
Waldo County Clerk